

M. Frank

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARVIN FRANK,
Individually and on behalf of a class,

Plaintiff,

v.

1337 THIRD AVENUE, L.L.C.,
d/b/a ATLANTIC GRILL,

Defendant.

Case No. 07 CV 11420 (VM)

STIPULATION AND ORDER
EXTENDING PLAINTIFF'S
TIME TO RESPOND TO
DEFENDANT'S MOTION TO
DISMISS

WHEREAS the plaintiff filed a summons and complaint on December 20, 2007; and

WHEREAS, in accordance with extensions of time which were so ordered by the Court and by agreement of the parties respecting the correct legal name and identity of the defendant, that complaint was not answered and instead, the plaintiff filed an amended complaint on April 11, 2008 which, among other things, substituted 1337 Third Avenue LLC for the previously-named defendant, B.R. Guest, Inc.; and

WHEREAS, defendant filed a Notice of Motion and Memorandum of Law in Support thereof to dismiss the amended complaint on May 5, 2008; and

WHEREAS, the plaintiff's time to file its responsive papers to said Motion to Dismiss was heretofore extended to June 10, 2008 by agreement of the parties and so ordered by the Court;

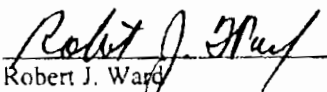
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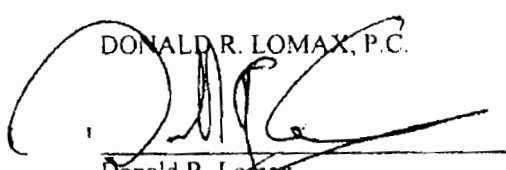
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties hereto, that the time for the plaintiff to file its responsive papers to the said Motion to Dismiss is extended to and including July 1, 2008.

Dated: New York, New York
June 5, 2008

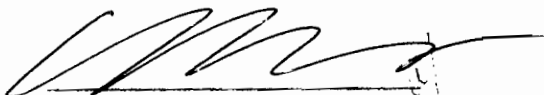
SCHULTE ROTH & ZABEL LLP


Robert J. Ward
919 Third Avenue
New York, NY 10022
212-756-2166
robert.ward@srz.com
Attorneys for Defendant

DONALD R. LOMAX, P.C.


Donald R. Lomax
386 Park Avenue South
New York, NY 10016
212-682-7704
dlomax@speakeasy.net
Attorneys for Plaintiff

SO ORDERED:


United States District Judge
Date: June 10, 2008